

PTQ3682

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ACTION ARA-01

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| INFO | LOG-00 | ACDA-17 | ACDE-00 | AID-01 | AMAD-01 | CIAE-00 | OASY-00 |
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| | L-01 | ADS-00 | NSAE-00 | NSCE-00 | OIC-02 | PA-01 | PRS-01 |
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O 152043Z DEC 94
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 3452

LIMITED OFFICIAL USE SECTION 01 OF 10 BUENOS AIRES 008129

E.O. 12356: N/A
TAGS: PHUM, AR
SUBJECT: HUMAN RIGHTS REPORT 1994: ARGENTINA

REF: STATE 297562

1. LOU-NOFORN -- ENTIRE TEXT.

2. BELOW IS THE EMBASSY'S REPLY TO THE DRL DRAFT HUMAN
RIGHTS REPORT ON ARGENTINA. WOULD APPRECIATE YOUR
COMMENTS BEFORE WE TRANSMIT IN OPEN CHANNEL.

3. WE ARE FRANKLY DISTURBED ABOUT THE TONE OF THE DRL
REVISED DRAFT WHICH MAKES THE HUMAN RIGHTS SITUATION
IN ARGENTINA APPEAR WORSE IN 1994 THAN IN 1993 (OR IN
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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: NORMAN M BOUTON
DATE/CASE ID: 04 JAN 2010 200906077

OTHER RECENT YEARS, ~~DECONTROLLED/UNCLASSIFIED~~

DRAFTERS APPARENTLY INTEND FOR ARGENTINA TO CONTINUE TO PAY FOR ITS PAST INTO THE INDEFINITE FUTURE NO MATTER WHAT THE CURRENT CIRCUMSTANCES. A FEW DAYS AGO, WE DISCUSSED THE GENERAL SITUATION WITH THE LEADERS OF THE PRINCIPAL HUMAN RIGHTS ORGANIZATIONS IN THE COUNTRY -- THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS, THE CENTER FOR LEGAL AND SOCIAL STUDIES, B'NAI B'RITH, THE GRANDMOTHERS OF THE PLAZA DE MAYO, AND THE INTERIOR MINISTRY'S SUBSECRETARY FOR HUMAN RIGHTS. THE CONSENSUS OF THIS WELL-INFORMED SAMPLING IS THAT THE ABUSES WHICH CONTINUE TO OCCUR ARE, IN FACT, REMNANTS OF THE LEGACY OF THE DIRTY WAR AND ARE EXCEPTIONS TO THE POSITIVE TREND TOWARDS GREATER AWARENESS AND RESPECT FOR HUMAN RIGHTS IN ARGENTINA.

NEITHER THEY, NOR WE, BELIEVE IT IS ACCURATE TO CHARACTERIZE THE CURRENT ARGENTINE HUMAN RIGHTS SCENE BASED ON THESE EXCEPTIONAL EVENTS. THE HENNY YOUNGMAN APPROACH -- "WHEN DID YOU STOP BEATING YOUR WIFE?" -- IS NOT THE WAY TO PICTURE CONTEMPORARY ARGENTINA. WHILE POLICE AND MILITARY ABUSE OF AUTHORITY AND COVER-UPS CONTINUE (AND ARE INCLUDED IN OUR VERSION), GOVERNMENT POLICY IS CLEAR -- POLICE AND/OR MILITARY BRUTALITY WILL NOT BE TOLERATED. INVESTIGATIONS, ARRESTS, TRIALS, AND CONVICTIONS DO OCCUR. OUR READING, BASED ON CURRENT INFORMATION IS THAT SUCH ABUSES ARE DECREASING. HUMAN RIGHTS ORGANIZATIONS ARE EXCEEDINGLY ACTIVE HERE AND OFTEN ARE FRUSTRATED BY COURT DELAYS, CORRUPTION, AND INEFFICIENCY (AGAIN AS DESCRIBED IN OUR DRAFT). NEVERTHELESS, THEY ARE
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OPTIMISTIC ABOUT THE PRESENT AND THE FUTURE. THE PERNIAS-ROLON EXAMPLE IS A CASE IN POINT; THE GOA PROPOSAL TO PROMOTE TWO NAVY OFFICERS, WHO ADMITTED TO HUMAN RIGHT ABUSES, WAS REBUFFED BY A SENATE COMMITTEE DOMINATED BY THE RULING JUSTICIALIST PARTY. THIS IS THE WAY SUCH MATTERS ARE HANDLED IN COUNTRIES WHERE THERE IS A LONG TRADITION OF RESPECT FOR HUMAN RIGHTS; IT DEMONSTRATES THE VIGOR OF A DEMOCRATIC "CHECKS AND BALANCES" SYSTEM THAT WAS UNHEARD OF IN THE OLD

DECONTROLLED/UNCLASSIFIED

ARGENTINA. (WE ARE, ~~DECONTROLLED/UNCLASSIFIED~~
EPISODE, WHICH OCCURRED AFTER OUR FIRST DRAFT WAS SENT
TO THE DESK, IN OUR REVISED TEXT.)

4. SPECIFICALLY, A NUMBER OF DRL SUGGESTIONS ARE
EITHER WRONG, DISTORTED, OR MISLEADING. THEY SUGGEST
AN ATTITUDE OF BIAS AND PRE-JUDGING THE FACTS WHICH
WILL UNDERMINE THE CREDIBILITY OF THE REPORT IF
ALLOWED TO STAND. ARGENTINA IS PROVING THAT THEY ARE
NOT CONDEMNED TO RELIVE THEIR RECENT TRAGIC HISTORY.
UNDER THE CIRCUMSTANCES, IT IS TOTALLY INAPPROPRIATE
TO TAKE A GUILTY UNTIL PROVEN INNOCENT APPROACH. THE
EMBASSY STRONGLY RECOMMENDS THAT THE FOLLOWING DRL
CHANGES BE DELETED OR MODIFIED BASED ON OUR REVISED
DRAFT BELOW.

-
A. INTRODUCTION:

FIRST, DRL'S DELETING THE LAST SENTENCE THE FIRST PARA
REFERRING TO THE INCORPORATION OF HUMAN RIGHTS
CONVENTIONS IN THE NEW CONSTITUTION AND MAKING THE
FIRST SENTENCE IN THE FOURTH PARA A DEPENDENT CLAUSE
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DENIGRATES THE SIGNIFICANCE OF INCORPORATING HUMAN
RIGHTS CONVENTIONS INTO THE NEW CONSTITUTION. THIS IS
NO SMALL MATTER AND CERTAINLY MERITS ITS OWN SENTENCE
WITHOUT MODIFIERS. WE WILL INCLUDE IT IN THE FOURTH
PART.

SECOND, THE ADDITION "THERE WERE NUMEROUS INSTANCES OF
GOVERNMENT FAILURE TO PROTECT INDIVIDUAL RIGHTS. THIS
WAS PARTICULARLY TRUE IN THE CASE OF EXTRAJUDICIAL
KILLINGS OFTEN WITH IMPUNITY..." DOES NOT SQUARE WITH
OUR CURRENT RESEARCH INTO THIS SUBJECT. WHILE
ISOLATED POLICE ABUSES CERTAINLY EXIST, WE HAVE NOTED
IN OUR DRAFT A GREATER EFFORT ON THE PART OF THE
CENTRAL AND LOCAL GOVERNMENTS TO ARREST AND TRY
OFFENDERS. TO OUR KNOWLEDGE, THERE WERE NO
EXTRAJUDICIAL KILLINGS IN 1994 IN WHICH POLICE OR
MILITARY SUSPECTS HAVE NOT BEEN ARRESTED OR AN ACTIVE
INVESTIGATION PURSUED. IF DRL HAS INFORMATION TO THE

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CONTRARY REGARDING EXTREME CONTROLLED/UNCLASSIFIED
1994, EMBASSY WOULD APPRECIATE THE INPUT. WE HAVE
ASKED THE ABOVE-MENTIONED ORGANIZATIONS AS WELL.

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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 3453

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E.O. 12356: N/A
TAGS: PHUM, AR
SUBJECT: HUMAN RIGHTS REPORT 1994: ARGENTINA

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THIRD, DELETING THE REFERENCE TO A LIVELY PRESS AND ONLY MENTIONING THREATS TO JOURNALISTS COMPLETELY DISTORTS THE REALITY. ONE ONLY HAS TO BE EXPOSED TO THE WIDE VARIETY OF OPINIONS EXPRESSED ON RADIO, TV, AND IN THE NUMEROUS NEWSPAPERS AND MAGAZINES TO KNOW THAT FREEDOM OF THE PRESS IS A FACT IN THIS COUNTRY IN SPITE OF A FEW THREATS TO REPORTERS. ARGENTINA IS NOW AN OPEN SOCIETY, A FACT PRESSED HOME FOR US BY OUR HUMAN RIGHTS CONTACTS. INFORMATION AND OPINION ABOUND. WE HAVE, NEVERTHELESS, ADDED ADDITIONAL
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INFORMATION ABOUT THREATS TO JOURNALISTS IN OUR NEW
TEXT, BUT AS WITH POLICE BRUTALITY, THEY ARE THE
EXCEPTIONS RATHER THAN THE RULE.

-
B. SECTION 1.A. SECOND PARA: "POLICE OFFICERS
COMMITTED MOST EXTRAJUDICIAL KILLINGS, MOST OF THEM
WITH IMPUNITY" THE FIRST PART IS CORRECT, THE SECOND
IS NOT.

C. SECTION 1.D. SECOND PARA RE ARBITRARY ARREST:
"GIVEN THE CLIMATE OF IMPUNITY THAT STILL EXISTS, IT
REMAINS TO BE SEEN TO WHAT EXTENT THIS (THE UN
SPONSORED HUMAN RIGHTS COURSE FOR POLICE) WILL BE
EFFECTIVE IN ALTERING POLICE BEHAVIOR." THIS IS A
GRATUITOUS SLAP AT AN HONEST EFFORT TO SENSITIZE LAW
ENFORCEMENT OFFICIALS. IT ALSO FALSELY GIVES THE
IMAGE OF RAMPANT AND UNCHECKED POLICE ABUSE OF HUMAN
RIGHTS. FOR THE FIRST TIME, THE GOA IS SEEKING
EXTERNAL ASSISTANCE TO DEAL WITH HUMAN RIGHTS
PROBLEMS. THE USG SHOULD NOT BELITTLE THIS EFFORT
WITH EDITORIAL COMMENT.

D. EMBASSY DOES NOT BELIEVE THAT SECTION DESCRIBING
AFFIRMATIVE ACTION REGARDING FEMALE REPRESENTATION IN
CONGRESS SHOULD BE TRANSFERRED FROM SECTION 5 (WOMEN)
TO SECTION 3 (POLITICAL RIGHTS) SINCE THE LATTER DEALS
WITH "THE RIGHT OF (ALL) CITIZENS TO CHANGE THEIR
GOVERNMENT." THE QUESTION OF REPRESENTATION OF

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VARIOUS ELEMENTS OF SOCIETY AND GOVERNMENT WERE NOT
DECONTROLLED/UNCLASSIFIED
PROPERLY ADDRESSED IN SECTION 5 WHICH FOCUSSES ON THE
STATUS OF THOSE ELEMENTS. IN THIS SPECIFIC CASE, THE
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AFFIRMATIVE ACTION TAKEN TO PROVIDE GREATER
CONGRESSIONAL REPRESENTATION TO WOMEN APPLIES ONLY TO
WOMEN AND NOT TO ALL CITIZENS, AND THEREFORE SHOULD
REMAIN IN THE SECTION ON WOMEN.

E. SECTION 5 (INDIGENOUS PEOPLE): "THEY HAVE NO
ABILITY TO PARTICIPATE IN DECISIONS AFFECTING THEIR
LANDS, CULTURES, TRADITIONS, OR THE ALLOCATION OF
RESOURCES." THIS IS A GROSS EXAGGERATION OF THE
ACTUAL SITUATION. IT IS TRUE THAT INDIGENOUS PEOPLE
ARE AT THE BOTTOM OF THE SOCIO-ECONOMIC LADDER AND
SUFFER THE ILLS OF A MINORITY POPULATION; THEY ARE
OCCASIONALLY INVOLVED IN DISPUTES OVER TRIBAL LANDS.
EVEN SO, THEY ARE NOT POWERLESS. THEY TAKE THEIR LAND
TENURE CASES TO COURT AND, ALTHOUGH THEY, LIKE MOST
LITIGANTS, EXPERIENCE LENGTHY DELAYS, THEIR HANDS ARE
NOT TIED. THE RIGHTS OF INDIGENOUS PEOPLE ARE
GUARANTEED UNDER THE NEW CONSTITUTION AND THE
ANTI-DISCRIMINATORY LAWS WHICH PROVIDES THEM RECOURSE
TO PROTECT THEIR INTERESTS. SEE REVISED PARA ON THIS
SUBJECT.

F. SECTION 5 (RELIGIOUS MINORITIES) "TWO MAJOR EVENTS
HIGHLIGHTED THE PERSISTENCE OF ANTI-SEMITISM IN
ARGENTINA." THIS IS A GENERALIZED STATEMENT THAT DOES
NOT CONVEY THE MEANING OF THE ORIGINAL LANGUAGE
REGARDING THE CONCERNS OF THE JEWISH COMMUNITY.
FURTHERMORE, THE B'NAI B'RITH REPRESENTATIVE AGREES
THAT THE EVENTS THEMSELVES CANNOT BE LINKED TO THE
"PERSISTENCE" OF ANTI-SEMITISM IN ARGENTINA WHICH IS A
TOPIC OF ONGOING DEBATE WITHIN THE JEWISH COMMUNITY
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HERE AND ON WHICH THERE IS NO CONSENSUR. THE PRIEBKE
CASE HARKENS BACK TO THE POST-WORLD WAR II PERIOD WHEN
THE GOA PROFESSED PRO-NAZI SYMPATHIES. ALTHOUGH NO
ONE HAS BEEN CHARGED, THE AMIA BOMBING WAS ALMOST
CERTAINLY AN ATTACK BY MIDDLE EAST (NOT ARGENTINE)
TERRORISTS.

G. THE EMBASSY HAS READ THE LAWYERS COMMITTEE FOR
HUMAN RIGHTS CRITIQUE OF THE 1993 REPORT. WHILE IT
CONTAINS SOME USEFUL INSIGHTS, WE NOTE FIRST THAT ITS
ATTACKS ON MENEM'S CRITICISMS OF THE PRESS ARE
OVERDRAWN AND, IN OUR VIEW, ARE NOT A HUMAN RIGHTS
CONCERN -- ALL POLITICAL LEADERS CRITICIZE THE PRESS.
SECOND, THE LCHR REPORT INCLUDES SOME CASES NOT
MENTIONED IN OUR 1993 REPORT. OUR VIEW IS THAT THE
THE USG REPORT SHOULD NOT (AND CANNOT DUE TO TIME
LIMITATIONS) BE A SIMPLE LISTING OF EVERY HUMAN RIGHTS
ABUSE THAT OCCURRED IN A GIVEN YEAR. WE DO CITE MAJOR
CASES THAT RECEIVED MOST ATTENTION, BUT AS WE TRY TO
MAKE CLEAR ABOVE, WE SHOULD NOT OVERLOOK THE FOREST
FOR THE TREES. WE ALSO DO NOT BELIEVE A USG REPORT

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SUBJECT: HUMAN RIGHTS REPORT 1994: ARGENTINA

SHOULD MAKE ASSERTIONS ABOUT MENEM'S "INTERFERENCE" IN
THE JUDICIAL PROCESS WHICH IS LESS A HUMAN RIGHTS
MATTER THAN A QUESTION ABOUT "POLITICA A LA
ARGENTINA": -- PARTICULARLY WHERE SUCH CHARGES ARE
IMPOSSIBLE TO VERIFY. NEVERTHELESS, IF THE LAWYERS
COMMITTEE WISHED TO BE TRULY HELPFUL, IT SHOULD
PROVIDE US THEIR ANALYSIS OF 1994 NOW WHEN THERE IS
TIME TO TAKE THEIR VIEWS INTO CONSIDERATION. (DRL: IS
THE LCHR WORKING ON A 1994 EDITION NOW? CAN THEY
PROVIDE EVEN A PARTIAL ONE IN DRAFT? OR ARE THEY
WAITING FOR OUR REPORT TO BE PUBLISHED FIRST?)

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IN RESPONSE TO THE DRL DRAFT, THE EMBASSY SUBMITS THE
FOLLOWING REVISED VERSION OF THE 1994 HUMAN RIGHTS
REPORT. IT CONTAINS UPDATES OF SOME CASES, SOME NEW
MATERIAL, AND REVISED LANGUAGE IN THE INTRODUCTION TO
BETTER DESCRIBE THE CONTEMPORARY HUMAN RIGHTS SCENE IN

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ARGENTINA. WE WILL FOLLOW UP ON THE SUBSTITUTIONS
IN REFTEL AND UPDATE ADDITIONAL MATERIAL AS IT IS
DEVELOPED.

BEGIN TEXT

ARGENTINA IS A FEDERAL CONSTITUTIONAL DEMOCRACY WITH
AN EXECUTIVE BRANCH HEADED BY A DEMOCRATICALLY ELECTED
PRESIDENT, A BICAMERAL LEGISLATURE, AND A SEPARATE
JUDICIARY. THE PRESIDENT, CARLOS SAUL MENEM, WAS
ELECTED IN 1989, UNDER AN ELECTORAL COLLEGE SYSTEM,
FOR A SINGLE SIX-YEAR TERM. IN AUGUST 1994, A
CONSTITUTIONAL ASSEMBLY OF POPULARLY ELECTED DELEGATES
REVISED THE CONSTITUTION, CHANGING THE PRESIDENTIAL
TERM TO FOUR YEARS, ABOLISHING THE ELECTORAL COLLEGE,
AND PERMITTING ONE SUCCESSIVE TERM IN OFFICE.

THE PRESIDENT IS THE CONSTITUTIONAL
COMMANDER-IN-CHIEF, AND A CIVILIAN DEFENSE MINISTER
OVERSEES THE ARMED FORCES. MILITARY CONSCRIPTION WAS
ABOLISHED IN SEPTEMBER 1994 IN PART AS A RESULT OF THE
PUBLIC BACKLASH GENERATED BY THE BEATING DEATH OF A
YOUNG ARMY RECRUIT EARLIER IN THE YEAR.
RESPONSIBILITY FOR LAW AND ORDER IS SHARED BY THE
FEDERAL POLICE, WHICH REPORT TO THE INTERIOR MINISTER;
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THE BORDER POLICE AND COAST GUARD WHICH REPORT TO THE
DEFENSE MINISTER; AND PROVINCIAL POLICE WHICH REPORT
TO THE PROVINCIAL GOVERNMENTS.

ARGENTINA HAS A MIXED AGRICULTURAL, INDUSTRIAL, AND
SERVICE ECONOMY THAT IN 1994 CONTINUED A DRAMATIC
TURNAROUND AFTER DECADES OF MISMANAGEMENT AND
DECLINE. AN ECONOMIC REFORM AND STRUCTURAL ADJUSTMENT
PROGRAM, BEGUN IN 1989, LED TO THREE YEARS OF HIGH
GROWTH, SHARPLY REDUCED INFLATION, AND SPURRED
COMPETITIVENESS. AN EXTENSIVE PRIVATIZATION PROGRAM
HAS BEEN LARGELY COMPLETED AT THE FEDERAL LEVEL AND IS
NOW UNDERWAY IN THE PROVINCES. HOWEVER, WHILE
EMPLOYMENT GREW RAPIDLY DURING THE FIRST YEARS OF THE
PROGRAM, UNEMPLOYMENT NATIONALLY ROSE TO A RECORD HIGH

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OF 10.8 PERCENT IN 1991. DECONTROLLED/UNCLASSIFIED
SHARPLY. THE HIGH COST OF LIVING HAS MOST SEVERELY
AFFECTED THOSE ON LOW FIXED INCOMES, ALTHOUGH THE
LOWEST INCOME GROUPS AND THE ENTIRE COUNTRY HAVE
BENEFITTED FROM THE END OF HYPERINFLATION.

ARGENTINA IS A FREE SOCIETY WITH VIGOROUS AND OPEN
DEBATE ON ALL ISSUES. THE REVISED CONSTITUTION, AS
DID THE PREVIOUS, PROVIDES FOR A WIDE RANGE OF
FREEDOMS AND RIGHTS WHICH ARE FULLY ENJOYED AND
PRACTICED BY ALL ARGENTINES. THE CONSTITUTION NOW
ALSO INCORPORATES NINE HUMAN RIGHTS INTERNATIONAL
CONVENTIONS. HOWEVER, INSTITUTIONAL WEAKNESSES -
ESPECIALLY IN THE JUDICIAL BRANCH - POLITICAL
PARTISANSHIP, AND A LEGACY OF AUTHORITARIAN RULE HAVE
RESULTED IN INSTANCES OF FAILURE TO PROTECT FULLY
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INDIVIDUAL RIGHTS AND PUNISH, IN A TIMELY MANNER,
HUMAN RIGHTS VIOLATORS. AT THE SAME TIME, THE CENTRAL
AND PROVINCIAL GOVERNMENTS ARE MAKING EFFORTS TO BRING
PERPETRATORS TO JUSTICE, PARTICULARLY IN THE AREA OF
KILLINGS AND BRUTALITY BY POLICE. ARGENTINA HAS A
LIVELY AND CRITICAL PRESS. THREATS AND AGGRESSION
AGAINST JOURNALISTS DECREASED FROM 1993. (DRL:
VIOLENCE AGAINST WOMEN IS MENTIONED IN THE REVISED
SECTION 5 BUT NEED NOT BE HIGHLIGHTED HERE SINCE IT IS
NOT A PROBLEM OF SUCH MAGNITUDE THAT IT WARRANTS
MENTION IN THE INTRODUCTION.) THE
GOVERNMENT-SPONSORED NATIONAL COMMISSION ON THE RIGHT
TO IDENTITY HAS WORKED CLOSELY WITH HUMAN RIGHTS
GROUPS TO LOCATE CHILDREN OF PARENTS WHO DISAPPEARED
DURING THE MILITARY DICTATORSHIP AND REUNITE THEM WITH
THEIR BIOLOGICAL FAMILIES. ON BALANCE, THE PROGRESS
MADE IN 1994 CONTINUED THE POSITIVE TREND OF RECENT
YEARS IN THE OBSERVANCE OF BASIC RIGHTS.

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RESPECT FOR HUMAN RIGHTS

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TO SECSTATE WASHDC IMMEDIATE 3455

LIMITED OFFICIAL USE SECTION 04 OF 10 BUENOS AIRES 008129

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SUBJECT: HUMAN RIGHTS REPORT 1994: ARGENTINA

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,
INCLUDING FREEDOM FROM:

A. POLITICAL AND EXTRAJUDICIAL KILLING

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THERE WERE NO CREDIBLE REPORTS OF POLICEMEN
MOTIVATED KILLINGS BY GOVERNMENT FORCES IN 1994.
POLICE AND MILITARY PERSONNEL WERE RESPONSIBLE FOR A
NUMBER OF EXTRAJUDICIAL KILLINGS. THE MOST PUBLICIZED
CASE OF AN EXTRAJUDICIAL KILLING WAS THE BEATING DEATH
OF A YOUNG ARMY RECRUIT, OMAR CARRASCO, WHOSE BODY WAS
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FOUND APRIL 6 IN THE PROVINCE OF NEUQUEN. OF THE FIVE
NONCOMMISSIONED OFFICERS EVENTUALLY ARRESTED, TWO WERE
BEING TRIED IN A CIVIL COURT FOR MURDER. BECAUSE OF A
SLIPSHOD INVESTIGATION AT THE TIME OF CARRASCO'S
DISAPPEARANCE, NEARLY ONE MONTH BEFORE HIS BODY WAS
FOUND, THE FEDERAL ATTORNEY GENERAL ORDERED THE CASE
REOPENED IN AUGUST 1994 TO DETERMINE WHETHER SENIOR
MILITARY OFFICERS HAD ENGAGED IN A COVER-UP OF THE
ORIGINAL INVESTIGATION.

POLICE OFFICERS COMMITTED MOST EXTRAJUDICIAL KILLINGS
IN 1994. HOWEVER, A REVIEW OF THE YEAR'S RECORD
INDICATED THAT PROVINCIAL AND FEDERAL AUTHORITIES MADE
A GREATER EFFORT TO ARREST AND TRY THE OFFENDERS IN
1994 THAN IN PREVIOUS YEARS. A FEDERAL JUDGE
SENTENCED FOUR POLICEMEN TO LIFE IMPRISONMENT FOR THE
MURDER-KIDNAPPING OF THREE BUSINESSMEN, EDUARDO
OXENFORD, BENJAMIN NEUMAN, AND OSVALDO SIVAK IN 1978,
1982, AND 1985, RESPECTIVELY. THREE POLICEMEN,
ACCUSED OF KILLING THREE TEENAGERS IN 1987 IN A BUENOS
AIRES SUBURB, WERE SENTENCED TO 11 YEARS IN PRISON BUT
WERE RELEASED PENDING APPEAL. IN THE TOWN OF WILDE,
BUENOS AIRES PROVINCE, SEVEN POLICEMEN WERE TRIED FOR
THE KILLING OF FOUR PEOPLE IN A SHOOTOUT AND
CONVICTED. A COURT IN SAN NICHOLAS, BUENOS AIRES
PROVINCE, SENTENCED TWO POLICEMEN TO LIFE IN PRISON
FOR THE KILLING OF A 57 YEAR-OLD CARPENTER IN 1993.
IN JULY, CORDOBA GOVERNOR EDUARDO ANGELOZ FIRED THE
PROVINCE'S POLICE CHIEF, DEPUTY CHIEF, AND DIRECTOR
FOR INTERNAL SECURITY AFTER A SERIOUS ALTERCATION
BETWEEN POLICE AND RESIDENTS IN THE TOWN OF SAN
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JORGE. IN THIS CASE, A POLICE INSPECTOR ALLEGEDLY
KILLED A 15-YEAR OLD, MIGUEL RODRIGUEZ, FOR HAVING
STOLEN A BALL FROM HIS SON. THE INSPECTOR WAS HELD
FOR TRIAL ON MURDER CHARGES. IN ANOTHER INSTANCE,
POLICE RESPONSIBLE FOR BEATING A DETAINEE TO DEATH IN
1993 WERE BROUGHT TO TRIAL IN 1994, THE FIRST CASE OF
ITS KIND IN THE PROVINCE OF BUENOS AIRES. THE TWO
POLICE OFFICERS WERE CONVICTED AND SENTENCED TO LIFE
IN PRISON FOR HAVING BRUTALIZED 57-YEAR OLD RAMON
BUCHON UNTIL HE DIED OF A HEART ATTACK.

B. DISAPPEARANCE

THERE WERE NO SUBSTANTIATED REPORTS OF OFFICIAL
DISAPPEARANCES IN 1994. CURRENT CASES STEM FROM
UNRESOLVED DISAPPEARANCES IN PREVIOUS YEARS OR DURING
THE 1976-83 MILITARY RULE.

A LA PLATA COURT TRIED SEVEN OF ELEVEN BUENOS AIRES
PROVINCIAL POLICE OFFICIALS IMPLICATED IN THE
DISAPPEARANCE OF A LA PLATA YOUTH, ANDRES NUNEZ.
THREE WITNESSES TESTIFIED THEY HEARD HIM BEING BEATEN
IN A NEARBY ROOM AT THE TIME OF HIS CAPTIVITY THREE
YEARS AGO. IN APRIL SIX ADDITIONAL POLICE OFFICERS
WERE DETAINED AND FOUR OTHERS, WHO ARE FUGITIVES, ARE
BEING SOUGHT.
THE CASE OF PABLO GUARDATI, WHOM MENDOZA POLICE
REPORTEDLY ABDUCTED IN 1992, REMAINS UNRESOLVED. IN
LATE 1993, THE AUTHORITIES RELEASED THREE OF THE FOUR
POLICE OFFICERS CHARGED IN THE CASE IN MARCH 1994, ALL
FOR LACK OF SUFFICIENT EVIDENCE.

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THE GRANDMOTHERS OF THE PLAZA DE MAYO, THE NATIONAL

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COMMISSION ON THE RIGHT TO IDENTITY AND THE ITAISSR
DECONTROLLED/UNCLASSIFIED

MINISTRY'S SECRETARIAT FOR HUMAN RIGHTS ARE CONTINUING
THE SEARCH FOR CHILDREN OF COUPLES WHO DISAPPEARED
DURING THE MILITARY REGIME. USING MODERN GENETIC
TESTING TECHNIQUES TO PROVE GENETIC RELATIONSHIPS
WHERE BLOOD SAMPLES ARE AVAILABLE, THEY HAVE LOCATED
55 CHILDREN OUT OF 218 PENDING CASES SINCE THE
RESTORATION OF DEMOCRATIC GOVERNMENT IN 1983. THIRTY
OF THESE CHILDREN WERE REUNITED WITH THEIR BIOLOGICAL
FAMILIES AND 13 REMAINED WITH THEIR ADOPTIVE PARENTS
WHO WERE DETERMINED TO HAVE ADOPTED THE CHILDREN
LEGALLY. AN ADDITIONAL CASE MOVED SLOWLY TOWARD
RESOLUTION IN 1994 WHICH WILL BRING THE TOTAL NUMBER
OF CHILDREN REUNITED WITH THEIR FAMILIES TO 31.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING
TREATMENT OR PUNISHMENT

THE CONSTITUTION PROHIBITS TORTURE AND THE CRIMINAL

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SUBJECT: HUMAN RIGHTS REPORT 1994: ARGENTINA

CODE PROVIDES PENALTIES FOR TORTURE WHICH ARE SIMILAR
TO THOSE FOR HOMICIDE, FROM 8 TO 15 YEARS IN PRISON.
NEVERTHELESS, POLICE MALTREATMENT OF DETAINEES AND
LACK OF ACCOUNTABILITY REMAIN SERIOUS PROBLEMS. IN
FEBRUARY, JUAN CARBAJAL HAD ENTERED A BUENOS AIRES
PROVINCIAL POLICE STATION SEEKING INFORMATION AND
WOUND UP IN AN ARGUMENT WITH SEVERAL OFFICERS. POLICE
BEAT HIM AND DETAINED HIM IN A LOCAL HOSPITAL, TELLING
HIS WIFE HE WAS BEING HELD BECAUSE HE WAS MENTALLY
DERANGED. DOCTORS IN THE HOSPITAL, HOWEVER, SAID HE
WAS NORMAL AND THAT HIS BRUISES WERE DELIBERATELY
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INFLECTED. THE PROVINCIAL DIRECTOR OF SECURITY OPENED
AN INVESTIGATION; CARBAJAL WAS RELEASED AFTER TWO
WEEKS IN THE HOSPITAL, AND TWO POLICE OFFICERS WERE
ARRESTED.

IN AUGUST A JUDGE CONVICTED FOUR POLICEMEN IN ENTRE
RIOS PROVINCE FOR PHYSICALLY ABUSING A SUSPECT.
HOWEVER, HE IMPOSED A TWO AND HALF YEAR SUSPENDED
SENTENCE TO BE IMPLEMENTED ONLY IF THEY DID NOT PASS A
WRITTEN EXAMINATION ON CONSTITUTIONAL RIGHTS AND
GUARANTEES.

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IN OCTOBER, THE MENEM DECONTROLLED/UNCLASSIFIED
PROMOTION OF TWO NAVY CAPTAINS, ANTONIO PERNIAS AND
JUAN CARLOS ROLON. DURING THEIR CONFIRMATION

HEARINGS, THEY ADMITTED TO HAVING TORTURED DETAINEES
DURING THE 1976-83 PERIOD OF MILITARY RULE. A STORM
OF CONTROVERSY AROSE, AND THE SENATE COMMITTEE,
DOMINATED BY THE PRESIDENT'S OWN RULING JUSTICIALIST
PARTY, REJECTED THE NOMINATIONS. IN THE FOLLOWING
WEEKS, PRESIDENT MENEM, WHILE DENYING THAT HE CONDONED
THE USE OF TORTURE, DEFENDED THE ROLE OF THE MILITARY
AND THE POLICE DURING THE "DIRTY WAR." HUMAN RIGHTS
GROUPS AND OPPOSITION POLITICIANS ROUNDLY CRITICIZED
HIS REMARKS, AND THE PERMANENT ASSEMBLY FOR HUMAN
RIGHTS EXPELLED HIM FROM ITS EXECUTIVE BOARD.

ARBITRARY ARREST, DETENTION, OR EXILE

THE PENAL CODE PLACES LIMITS ON THE ARREST AND
INVESTIGATORY POWER OF THE POLICE AND THE JUDICIARY.
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BUT THE PROVINCIAL POLICE OFTEN IGNORED THESE
RESTRICTIONS AS INDICATED IN THE CASES CITED ABOVE.
HUMAN RIGHTS GROUPS BELIEVE SUCH INCIDENTS ARE
INCREASING, ALONG WITH A RISING CRIME RATE, BUT ARE
DIFFICULT TO DOCUMENT BECAUSE VICTIMS ARE RELUCTANT TO
FILE COMPLAINTS. POLICE WILL DETAIN YOUNG PERSONS
(TEENAGERS AND YOUNG ADULTS ARE MOST VULNERABLE TO
THIS PRACTICE) SOMETIMES OVERNIGHT, SOMETIMES FOR AN
ENTIRE WEEKEND WITHOUT FORMAL CHARGES. THEY DID NOT
ALWAYS PROVIDE SUCH DETAINEES THE OPPORTUNITY TO CALL
THEIR FAMILY OR AN ATTORNEY AND ARE RELEASED ONLY UPON
A COMPLAINT FROM RELATIVES OR LEGAL COUNSEL. HUMAN
RIGHTS GROUPS WERE ALSO CONCERNED ABOUT AN
ANTI-TERRORISM BILL, PROPOSED BY THE MINISTRY OF
JUSTICE WHICH WOULD EXTEND THE NUMBER OF HOURS A
PERSON CAN BE HELD IN A POLICE STATION WITHOUT A
FORMAL CHARGE FROM 6 TO 12 HOURS AND FROM 48 TO 72
HOURS IN JUDICIAL HEADQUARTERS.

TO IMPROVE POLICE PRACTICES, THE INTERIOR MINISTRY'S
SECRETARIAT FOR HUMAN RIGHTS SIGNED AN AGREEMENT IN

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1994 WITH THE UNITED NATIONS CENTER FOR HUMAN RIGHTS
TO PROVIDE TRAINING FOR FEDERAL AND PROVINCIAL LAW
ENFORCEMENT OFFICIALS.

INVOLUNTARY EXILE IS NOT PERMITTED BY LAW NOR
PRACTICED IN ARGENTINA.

PRISON CONDITIONS IN ARGENTINA ARE POOR IN A NUMBER OF
OVERCROWDED JAILS. THE FACILITIES ARE OLD AND
DILAPIDATED. IN BUENOS AIRES PROVINCE, NO NEW
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PRISONS HAVE BEEN BUILT FOR 25 YEARS. A CIRCUIT JUDGE
(JUEZ DE TURNO) IN QUILMES (BUENOS AIRES PROVINCE)
DENOUNCED LAMENTABLE CONDITIONS OF PRISONERS WHO ARE
CROWDED FOUR OR FIVE AT A TIME INTO CELLS NO LARGER
THAN THREE METERS SQUARE. A STUDY IN LATE 1993
INDICATED THAT 60 PERCENT OF THOSE INCARCERATED
NATIONWIDE ARE AWAITING TRIAL; SOME HAVE BEEN DETAINED
TWO YEARS OR MORE. HOWEVER, IT SHOULD BE NOTED THAT
THE RIGHT TO BAIL IS PROVIDED BY LAW AND RECOGNIZED IN
PRACTICE. WHILE THE SLOW PACE OF CRIMINAL TRIALS HAS
RESULTED IN LENGTHY PRE-TRIAL DETENTION PERIODS, THE
DETENTION ITSELF IS NOT ARBITRARY. HUMAN RIGHTS
GROUPS SAY THIS PROBLEM REMAINS A SERIOUS ONE AND THAT
PRISONS ARE VIRTUAL POWDER KEGS OF DISCONTENT. A
LARGE-SCALE PRISON RIOT OCCURRED IN BUENOS AIRES
PROVINCE IN AUGUST 1994. MANY UNTRIED PRISONERS ARE
SERVING MORE TIME IN PRISON THAN THEY WOULD HAVE
SERVED IF THEY HAD RECEIVED THE MAXIMUM SENTENCE FOR
THE CRIME FOR WHICH THEY WERE ARRESTED. IN
RECOGNITION OF THIS PROBLEM, THE SENATE PASSED A
MEASURE IN OCTOBER 1994 WHICH WOULD SET A MAXIMUM

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TAGS: PHUM, AR
SUBJECT: HUMAN RIGHTS REPORT 1994: ARGENTINA

TWO-YEAR LIMIT ON UNSENTENCED PRISONERS AND, AFTER THE TWO YEARS, GRANT THEM TWO DAYS OF CREDIT TOWARD THEIR SENTENCES FOR EVERY ONE DAY OF TIME SERVED BEFORE SENTENCING. THE INTERIOR MINISTRY CONDUCTED COURSES FOR PUBLIC OFFICIALS DESIGNED TO HEIGHTEN AWARENESS ABOUT HUMAN RIGHTS ISSUES, AND THE JUSTICE MINISTRY ATTEMPTED TO EDUCATE THE PUBLIC ABOUT THE LEGAL RIGHTS OF DETAINEES. THE GOVERNMENT CREATED AN OMBUDSMAN TO OVERSEE THE OBSERVANCE OF INDIVIDUAL RIGHTS IN THE PRISON SYSTEM.

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THE LAW DOES NOT PERMIT INVOLUNTARY EXILE, AND IT IS
NOT PRACTICED.

E. DENIAL OF A FAIR PUBLIC TRIAL

ARGENTINA'S JUDICIAL SYSTEM IS NOMINALLY INDEPENDENT
AND IMPARTIAL BUT ITS PROCESSES ARE ALLEGEDLY
INEFFICIENT, COMPLICATED, AND SUBJECT TO POLITICAL
INFLUENCE. THE JUDICIAL SYSTEM IS HAMPERED BY
INORDINATE DELAYS, PROCEDURAL LOGJAMS, CHANGES OF
JUDGES, AND ALLEGATIONS OF CORRUPTION ARE WIDELY
REPORTED.

TRIALS ARE PUBLIC AND DEFENDANTS HAVE THE RIGHT TO
LEGAL COUNSEL. A PANEL OF JUDGES DECIDES GUILT OR
INNOCENCE. IN 1992 SOME FEDERAL AND PROVINCIAL COURTS
BEGAN DECIDING CASES USING ORAL TRIALS IN LIEU OF THE
PRACTICE OF WRITTEN SUBMISSIONS. ALTHOUGH SUCH TRIALS
ARE LESS TIME CONSUMING, LAWYERS AND JUDGES ARE STILL
STRUGGLING TO ADJUST TO THE NEW PROCEDURES, AND
SUBSTANTIAL ELEMENTS OF THE OLD SYSTEM REMAIN. FOR
EXAMPLE, BEFORE THE ORAL PART OF A TRIAL BEGINS,
JUDGES RECEIVE WRITTEN DOCUMENTATION REGARDING THE
CASE WHICH, ACCORDING TO PROMINENT LEGAL EXPERTS, CAN
BIAS A JUDGE BEFORE ORAL TESTIMONY IS HEARD.

REFORM OF THE JUDICIARY IS A HIGH PRIORITY FOR THE
ARGENTINE GOVERNMENT. THE NEW CONSTITUTION PROVIDES
FOR CHANGES IN THE SELECTION OF JUDGES AND OVERSIGHT
OF THE LEGAL SYSTEM.

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THE CONSTITUTION PROHIBITS THE GOVERNMENT FROM INTERFERING IN THE PRIVATE LIVES OF ITS CITIZENS AND THE GOVERNMENT RARELY DOES SO. THE GOVERNMENT RESERVES THE RIGHT TO MONITOR TELEPHONE CONVERSATIONS WITH A COURT ORDER.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION GUARANTEES THE RIGHT TO PUBLISH IDEAS WITHOUT PRIOR CENSORSHIP. THE MEDIA FULLY EXERCISES THIS RIGHT, DISSEMINATING THE FULL PANORAMA OF POLITICAL, SOCIAL, CULTURAL, AND ECONOMIC OPINION IN THE COUNTRY. COMPARED WITH 1993, THE NUMBER OF REPORTS OF ATTACKS OR THREATS AGAINST JOURNALISTS DECREASED IN 1994. A NEWSPAPER EDITOR RECEIVED AN ANONYMOUS THREAT IN JUJUY PROVINCE, AND THE WIFE OF A REPORTER FOR THE ARGENTINE NEWS AGENCY WAS MUGGED AND THREATENED IN BUENOS AIRES. A CORRESPONDENT FOR A LA PAMPA PROVINCE PAPER ALSO RECEIVED DEATH THREATS. IN MENDOZA, INTELLIGENCE OPERATIVES OF THE PROVINCIAL POLICE ARE ALLEGED TO HAVE ILLEGALLY ENTERED A HOTEL ROOM AND INTIMIDATED THREE VISITING CHILEAN JOURNALISTS IN OCTOBER. NATIONAL AND PROVINCIAL GOVERNMENT AUTHORITIES CONDEMNED THE AGGRESSION AND LAUNCHED AN INVESTIGATION INTO THE EVENT. THERE WAS LITTLE PROGRESS IN THE APPREHENSION AND PUNISHMENT OF LIMITED OFFICIAL USE

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THOSE RESPONSIBLE FOR THESE AND PRIOR ATTACKS.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION AND LAWS PROVIDE FOR THE RIGHT OF GROUPS AND POLITICAL PARTIES TO ASSEMBLE AND DEMONSTRATE. IN 1994 MANY GROUPS FROM ALL SECTORS OF SOCIETY EXERCISED THIS RIGHT WITH LITTLE OR NO

GOVERNMENT INTERFERENCE. (ON FURTHER REASON
WE DELETED MENTION OF THE MARCH DEMONSTRATION BY
RETIREEES SINCE POLICE ACTION APPEARED TO BE IN
RESPONSE TO THE VIOLENCE FOMENTED BY THE
DEMONSTRATORS.)

C. FREEDOM OF RELIGION

FREEDOM OF WORSHIP IS A CONSTITUTIONAL RIGHT IN
ARGENTINA. THE NEWLY REVISED CONSTITUTION DROPPED THE
PREVIOUS REQUIREMENT THAT THE PRESIDENT OF ARGENTINA
BE A ROMAN CATHOLIC. IN PRACTICE, ARGENTINES OF ALL
RELIGIOUS DENOMINATIONS ARE ABLE TO EXERCISE THEIR

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FAITH FREELY.

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D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN
TRAVEL, EMIGRATION, AND REPATRIATION

DOCUMENTEDQC TRAVEL AND
EMIGRATION REMAINED UNRESTRICTED IN 1994.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF
CITIZENS TO CHANGE THEIR GOVERNMENT

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SINCE ITS RETURN TO DEMOCRATIC GOVERNMENT IN 1983,
ARGENTINA HAS HELD PERIODIC FREE AND FAIR ELECTIONS TO
CHOOSE FEDERAL, PROVINCIAL, AND MUNICIPAL OFFICE
HOLDERS. UNIVERSAL ADULT SUFFRAGE IS OBLIGATORY IN
NATIONAL ELECTIONS. POLITICAL PARTIES OF VARYING
IDEOLOGIES OPERATE FREELY AND OPENLY. THE NEWLY
REVISED CONSTITUTION PROVIDES THAT ALL ADULT CITIZENS
SHALL ENJOY FULL PARTICIPATION IN THE POLITICAL
PROCESS. IN 1994, A CONSTITUENT ASSEMBLY, FREELY
CHOSEN BY THE ELECTORATE, REVISED AND RATIFIED CHANGES
TO THE CONSTITUTION OF 1853 THAT WILL PERMIT THE
PRESIDENT TO RUN FOR A SECOND TERM. THE CHANGES
REDUCE THE PRESIDENT'S TERM FROM SIX YEARS TO FOUR AND
PERMIT A ONE TIME REELECTION. THE NEW CONSTITUTION
PROVIDES FOR THE POPULAR ELECTION OF THE MAYOR OF THE
FEDERAL CAPITAL DISTRICT OF BUENOS AIRES (PREVIOUSLY
APPOINTED BY THE PRESIDENT), REMOVES THE REQUIREMENT
THAT THE PRESIDENT BE A ROMAN CATHOLIC, AND MANDATES

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SENATE CONFIRMATION OF SUPREME COURT JUSTICES BY A
TWO-THIRDS VOTE. ~~DECONTROLLED/UNCLASSIFIED~~

SECTION 4 GOVERNMENT ATTITUDE REGARDING INTERNATIONAL
AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED
VIOLATIONS OF HUMAN RIGHTS

LOCAL HUMAN RIGHTS GROUPS CONTINUE TO BE ACTIVE,
PARTICULARLY IN CASES OF JUDICIAL AND POLICE ABUSE OF
AUTHORITY. THE MINISTRY OF INTERIOR'S SECRETARIAT FOR
HUMAN RIGHTS WORKS WITH FEDERAL AND STATE GOVERNMENTS
TO PROMOTE GREATER RESPECT FOR BASIC HUMAN RIGHTS
AMONG LOCAL AUTHORITIES. THERE ARE NO RESTRICTIONS ON
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VISITS OR ACTIVITIES BY INTERNATIONAL GROUPS OR
ORGANIZATIONS.

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SECTION 5 DISCRIMINATION BASED ON SEX, RACE,
RELIGION, DISABILITY, LANGUAGE OR SOCIAL STATUS

THE 198B ANTI-DISCRIMINATION LAW ESTABLISHES A SERIES
OF PENALTIES FROM ONE MONTH TO THREE YEARS
IMPRISONMENT FOR ANYONE WHO ARBITRARILY RESTRICTS,
OBSTRUCTS, OR RESTRAINS A PERSON BASED ON "RACE,
RELIGION, NATIONALITY, IDEOLOGY, POLITICAL OPINION,
SEX, ECONOMIC POSITION, SOCIAL CLASS, OR PHYSICAL
CHARACTERISTICS." THERE IS NO EVIDENCE OF ANY
SYSTEMATIC EFFORT TO ABRIDGE THESE RIGHTS BY
GOVERNMENT OR PRIVATE GROUPS.

THE MINISTRY OF INTERIOR CREATED IN 1994 AN INSTITUTE
AGAINST DISCRIMINATION, XENOPHOBIA, AND RACISM,
LOCATED IN BARILOCHE. INSTITUTE PERSONNEL WILL, AMONG
OTHER THINGS, HAVE FREE ACCESS TO FILES ON PERSONS OR
GROUPS INVOLVED IN CRIMES COMMITTED DURING THE SECOND
WORLD WAR. (DRL: WE HAVE NO REPORTS ON ATTACKS ON
LESBIANS AND GAYS BASED ON THEIR SEXUAL ORIENTATION.)

WOMEN

THE CONSTITUTION AND FEDERAL LAW GUARANTEE EQUALITY

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FOR ALL CITIZENS. THE CONSTITUTION SPECIFICS THAT
THE INTERNAL REGULATIONS OF POLITICAL PARTIES AND
PARTY NOMINATIONS FOR ELECTIONS BE SUBJECT TO
AFFIRMATIVE ACTION REQUIREMENTS TO ASSURE THAT WOMEN
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ARE REPRESENTED IN ELECTIVE OFFICE. A 1993 DECREE
IMPLEMENTING A 1991 LAW REQUIRED THAT A MINIMUM OF 30
PERCENT OF ALL POLITICAL PARTY LISTS OF CANDIDATES BE
FEMALE. TWENTY-SIX WOMEN WERE ELECTED TO THE CHAMBER
OF DEPUTIES FOR THE FIRST TIME IN THE OCTOBER 1993
ELECTIONS. ONE FEMALE DEPUTY WAS REELECTED AND SEVEN
SERVED THE BALANCE OF TERMS TO WHICH THEY WERE ELECTED
IN 1991. IN 1994 WOMEN OCCUPIED 13 PERCENT OF THE
SEATS IN THE CHAMBER OF DEPUTIES AND 4 PERCENT IN THE
SENATE. THERE WERE FEW SENIOR RANKING WOMEN OFFICIALS
IN THE EXECUTIVE BRANCH; THEY ARE HOWEVER ASSUMING
POSITIONS OF GREATER AUTHORITY IN PROVINCIAL AND LOCAL
GOVERNMENTS. FEMALE LABOR LEADERS ARE PRESSING THEIR
MALE COUNTERPARTS FOR AFFIRMATIVE ACTION PROGRAMS
WITHIN THE TRADE UNION MOVEMENT AS WELL.

-
WOMEN ENCOUNTER ECONOMIC DISCRIMINATION IN ARGENTINA,
A SITUATION WHICH HAS BEEN AGGRAVATED BY THE INFUSION
OF LARGE NUMBERS OF WOMEN IN THE WORKPLACE IN THE LAST
10 YEARS. ACCORDING TO A 1994 REPORT BY THE ARGENTINE
GOVERNMENT, WOMEN OCCUPY IN DISPROPORTIONATE NUMBERS

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E.O. 12356: N/A
TAGS: PHUM, AR
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LOWER PAYING JOBS THAN MEN. WITHIN EACH JOB CATEGORY, WOMEN ARE CONCENTRATED IN THE LOWER RANKS AND RECEIVE THE LOWEST SALARIES. OFTEN THEY RECEIVE LESS PAY FOR EQUAL WORK DONE BY MEN EVEN THOUGH THIS IS EXPLICITLY PROHIBITED BY LAW. WOMEN ARE ALSO FOUND DISPROPORTIONATELY IN THE INFORMAL SECTOR WHICH EFFECTIVELY DENIES THEM WORK-RELATED ECONOMIC AND SOCIAL BENEFITS ENJOYED BY THOSE IN THE FORMAL SECTOR.

THE NATIONAL WOMEN'S COUNCIL AND THE PRESIDENTIAL WOMEN'S ADVISORY CABINET, CREATED IN 1992 AND 1993
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RESPECTIVELY, ARE CURRENTLY WORKING ON A THREE YEAR
GOVERNMENT ACTION PLAN (1993-95) TO PROMOTE EQUAL
OPPORTUNITY AND PARTICIPATION OF WOMEN IN SOCIETY.

VIOLENCE AGAINST WOMEN IS A PROBLEM; INSENSITIVITY
AMONG POLICE AND JUDGES SOMETIMES DISCOURAGE WOMEN
FROM REPORTING ASSAULTS, ESPECIALLY IN DOMESTIC
VIOLENCE CASES. IN RESPONSE, THE NATIONAL WOMEN'S
COUNCIL HAS BEEN WORKING WITH LAW ENFORCEMENT
AUTHORITIES TO INCLUDE IN THEIR POLICE TRAINING
CURRICULUM MATERIAL ON HANDLING CASES OF VIOLENCE
AGAINST WOMEN. IN NOVEMBER 1993, PRESIDENT MENEM
SIGNED AN DECREE AGAINST SEXUAL HARRASSMENT IN THE
FEDERAL GOVERNMENT.

CHILDREN

THE NEW CONSTITUTION INCORPORATES THE UN CONVENTION ON
THE RIGHTS F THE CHILD. THE MINISTRY OF INTERIOR'S
HUMAN RIGHTS SECRETARIAT WORKS WITH UNITED NATIONS
CHILDREN'S EMERGENCY FUND (UNICEF) AND OTHER
INTERNATIONAL AGENCIES TO PROMOTE CHILDREN'S RIGHTS
AND WELL-BEING. SEVERAL CASES OF TRAFFICKING OF
BABIES HAVE BEEN DETECTED; PROVINCIAL AUTHORITIES IN
CORDOBA AND BUENOS AIRES HAVE BEGUN PROGRAMS TO
IMPROVE REGISTRATION AND IDENTIFICATION OF NEWBORN
INFANTS. A NEW ADOPTION LAW IS PENDING APPROVAL BY
THE SENATE WHICH WAS APPROVED BY THE CHAMBER OF
DEPUTIES. IT WILL GREATLY RESTRICT ADOPTION OF
CHILDREN BY THOSE NOT RESIDENT IN ARGENTINA. IT
OFFERS MORE PROTECTION TO THE CHILDREN AND THE

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BIOLOGICAL PARENTS. HISTORICALLY, ARGENTINA HAS BEEN A
LEADER IN LATIN AMERICA IN PROGRAMS TO PROVIDE PUBLIC
EDUCATION, HEALTH PROTECTION, AND RECREATIONAL
SERVICES FOR ALL CHILDREN, REGARDLESS OF CLASS OR
ECONOMIC STATUS. CHILD ABUSE AND PROSTITUTION HAVE

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NOT INCREASED IN RECENT YEARS BUT THESE ARE LIKELY TO BE YOUNGER THAN PREVIOUSLY. THE NATIONAL COUNCIL OF THE CHILD AND THE FAMILY, WHICH THE GOA ESTABLISHED IN 1990, IS ACTIVELY WORKING WITH FEDERAL AND LOCAL AGENCIES TO IMPROVE CHILD PROTECTION PROGRAMS. SIXTEEN OUT OF 24 PROVINCES PLUS THE FEDERAL GOVERNMENT HAVE CHILD PROTECTION LAWS ON THE BOOKS, THE MOST RECENT BEING THE PROVINCE OF BUENOS AIRES WHICH ADOPTED NEW LEGISLATION IN 1994.

INDIGENOUS PEOPLE

THE REVISED CONSTITUTION PROVIDES THE RIGHT OF MINORITIES TO BE REPRESENTED IN GOVERNMENT AND INCORPORATES INTERNATIONAL AGREEMENTS WHICH GUARANTEE ECONOMIC, SOCIAL, AND CULTURAL RIGHTS.

THERE ARE NO RELIABLE STATISTICS ON THE SIZE OF THE INDIGENOUS POPULATION OF ARGENTINA; ESTIMATES VARY FROM 60,000 TO 150,000 BUT INDEC (NATIONAL STATISTICAL INSTITUTE) BELIEVES THE FIGURE TO BE BELOW 100,000 AS OF 1992. MOST LIVE IN THE NORTHERN AND NORTHWESTERN PROVINCES AND IN THE FAR SOUTH. THEIR STANDARD OF LIVING IS CONSIDERABLY BELOW THE AVERAGE, AND THEY HAVE HIGHER RATES OF ILLITERACY, CHRONIC DISEASES, AND UNEMPLOYMENT. INDIGENOUS GROUPS ARE SOMETIMES LIMITED OFFICIAL USE

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INVOLVED IN DISPUTES OVER TRIBAL LANDS WHICH TEND TO BE PROLONGED DUE TO THE INEFFICIENT COURT SYSTEM.

RELIGIOUS MINORITIES

TWO MAJOR EVENTS HEIGHTENED THE JEWISH COMMUNITY'S CONCERNS ABOUT ANTI-SEMITISM IN ARGENTINA: -- THE TERRORIST BOMBING OF THE ARGENTINE JEWISH MUTUAL ASSOCIATION AND THE ARREST AND EXTRADITION PROCEEDINGS AGAINST EX-NAZI OFFICIAL ERICH PRIEBKE. SENIOR GOVERNMENT OFFICIALS, INCLUDING THE PRESIDENT, EXPRESSED SOLIDARITY WITH THE JEWISH COMMUNITY AFTER THE BOMBING AND STATED THEIR COMMITMENT TO FIND THE PERPETRATORS. NEVERTHELESS, EVEN BEFORE THE BOMBING,

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ANTI-SEMITIC INCIDENTS IN BUENOS AIRES
INCREASED DURING THE FIRST SIX MONTHS OF 1994 COMPARED
WITH THE SECOND HALF OF 1993. THERE IS NO EVIDENCE OF
ANY OFFICIAL SANCTION FOR THESE INCIDENTS.

PEOPLE WITH DISABILITIES

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E.O. 12356: N/A

TAGS: PHUM, AR

SUBJECT: HUMAN RIGHTS REPORT 1994: ARGENTINA

CONGRESS APPROVED A LAW AIMED AT ELIMINATING PHYSICAL BARRIERS TO HANDICAPPED PERSONS IN 1994. THE LAW REGULATES STANDARDS REGARDING ACCESS TO PUBLIC BUILDINGS, PARKS, PLAZAS, STAIRS AND RAMPS, AND PEDESTRIAN AREAS. HOWEVER, FEW BUILDINGS AND PUBLIC AREAS IN BUENOS AIRES OR OTHER CITIES CURRENTLY OFFER EASY ACCESS TO PERSONS WITH DISABILITIES. FEDERAL LAW ALSO PROHIBITS DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES IN EMPLOYMENT.

SECTION 6 WORKER RIGHTS

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A. THE RIGHT OF ASSOCIATION

WITH THE EXCEPTION OF MILITARY PERSONNEL, ALL WORKERS ARE FREE TO FORM UNIONS. ESTIMATES REGARDING UNION MEMBERSHIP VARY WIDELY. MOST UNION LEADERS BELIEVE IT TO BE ABOUT 40 PERCENT OF THE WORKFORCE; GOVERNMENT FIGURES INDICATE UNION MEMBERSHIP AT 30 PERCENT.

UNIONS HAVE THE RIGHT TO STRIKE AND MEMBERS WHO PARTICIPATE IN STRIKES ARE PROTECTED BY LAW. IN 1994 MAJOR STRIKES OCCURRED WITHOUT GOVERNMENT INTERFERENCE AGAINST THE PRIVATIZED GREATER BUENOS AIRES ELECTRIC POWER UTILITY AND THE ALUMINUM SMELTING PLANT IN THE SOUTHERN PROVINCE OF CHUBUT. HOWEVER, IN RESPONSE TO A CALL FOR A GENERAL STRIKE BY TRADE UNION OPPONENTS OF THE GOVERNMENT'S ECONOMIC POLICIES, THE GOVERNMENT DECLARED THE STRIKE ILLEGAL ON THE GROUNDS THAT THE CONSTITUTIONAL RIGHT TO STRIKE IS INTENDED TO PROTECT WORKERS' ECONOMIC INTERESTS BUT NOT TO BE USED AS A POLITICAL WEAPON. HOWEVER, THE GOVERNMENT DID NOTHING TO INTERFERE WITH THE ONE-DAY WORK STOPPAGE.

ARGENTINE UNIONS ARE MEMBERS OF INTERNATIONAL LABOR

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ASSOCIATIONS AND SECRETARIANS AND PARENTS AND ACTS
IN THEIR PROGRAMS.

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B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

THE LAW PROHIBITS ANTI-UNION PRACTICES AND THE
GOVERNMENT ENFORCES IT. ARGENTINE LABOR, PRIVATE
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SECTOR, AND GOVERNMENT REAFFIRMED THESE RIGHTS IN A
FRAMEWORK AGREEMENT SIGNED IN JULY AIMED AT REFORMING
LABOR-MANAGEMENT RELATIONS IN THE CONTEXT OF ECONOMIC
RESTRUCTURING AND INCREASING GLOBAL COMPETITIVENESS.
THE TREND TOWARDS BARGAINING ON A COMPANY LEVEL IN
CONTRAST TO NEGOTIATING AT THE NATIONAL LEVEL ON A
SECTORAL BASIS CONTINUES, BUT THE ADJUSTMENT IS NOT AN
EASY ONE FOR EITHER SIDE. FOR THIS REASON, THE
AGREEMENT PROPOSES TO CREATE A NATIONAL MEDIATION
SERVICE TO PROMOTE MORE EFFECTIVE COLLECTIVE
BARGAINING.

THE COMMITTEE OF EXPERTS ON THE APPLICATION OF
CONVENTIONS AND RECOMMENDATIONS OF THE INTERNATIONAL
LABOR ORGANIZATION (ILO) TOOK NOTE OF A TEACHER'S
UNION COMPLAINT REGARDING RESTRICTIONS ON COLLECTIVE
BARGAINING IN CERTAIN SPECIFIED SECTORS AND ASKED THE
GOVERNMENT TO INFORM THE ILO OF MEASURES I MAY TAKE
OR HAS TAKEN TO ENCOURAGE VOLUNTARY NEGOTIATIONS
WITHOUT IMPEDIMENTS. WORKERS MAY NOT BE FIRED FOR
PARTICIPATING IN LEGAL UNION ACTIVITIES. THOSE WHO
PROVE THEY HAVE BEEN DISCRIMINATED AGAINST HAVE THE
RIGHT TO BE REINSTATED.

THERE ARE NO OFFICIALLY DESIGNATED EXPORT PROCESSING
ZONES.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE LAW PROHIBITS FORCED LABOR AND THERE WERE NO
REPORTS THAT IT WAS PRACTICED IN ARGENTINA.

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D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

THE LAW PROHIBITS EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE, EXCEPT WITHIN THE FAMILY, IS PROHIBITED. MINORS AGED 14 TO 18 MAY WORK IN A LIMITED NUMBER OF JOB CATEGORIES BUT NOT MORE THAN 6 HOURS A DAY OR 35 HOURS A WEEK. NOTWITHSTANDING THESE REGULATIONS, A SIGNIFICANT NUMBER OF CHILDREN BETWEEN 10 AND 14 YEARS OF AGE, ESTIMATED AT 200,000 IN A 1993 REPORT BY THE MINISTRY OF LABOR, UNICEF, AND THE ILO, ARE ENGAGED IN EMPLOYMENT, PRIMARILY AS STREET VENDORS OR HOUSEHOLD WORKERS. FEDERAL AND PROVINCIAL LABOR AUTHORITIES WERE NOT WELL EQUIPPED TO COPE WITH THIS SITUATION DUE TO BUDGETARY AND PERSONNEL LIMITATIONS.

E. ACCEPTABLE CONDITIONS OF WORK

THE NATIONAL MONTHLY MINIMUM WAGE IS \$200 BUT IS INSUFFICIENT TO SUSTAIN AN AVERAGE FAMILY OF FOUR.

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TAGS: PHUM, AR
SUBJECT: HUMAN RIGHTS REPORT 1994: ARGENTINA

FEDERAL LABOR LAW MANDATES ACCEPTABLE WORKING
CONDITIONS IN THE AREAS OF HEALTH, SAFETY, AND HOURS.
THE MAXIMUM WORK DAY IS 8 HOURS AND WORK WEEK 48
HOURS. THE FRAMEWORK AGREEMENT AIMS AT PRODUCING
LEGISLATION TO MODERNIZE THE ACCIDENT COMPENSATION
PROCESS AND OCCUPATIONAL HEALTH AND SAFETY NORMS. IN
RESPONDING TO A COMPLAINT FROM THE CONGRESS OF
ARGENTINE WORKERS THAT WORK-RELATED ILLNESSES WERE NOT
COVERED UNDER THE EXISTING WORKERS COMPENSATION
SYSTEM, THE ILO'S COMMITTEE OF EXPERTS URGED THE
GOVERNMENT TO PROVIDE INFORMATION TO THE CONGRESS OF
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ARGENTINE WORKERS REGARDING THE MEASURES IT PLANSTO
TAKE TO FULFILL ITS OBLIGATONS UNDER THE CONVENTION

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NO. 42, WORKERS COMPENSATION ACT, WHICH ARGENTINA RATIFIED IN 1950.

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OCCUPATIONAL HEALTH AND SAFETY STANDARDS ARE COMPARABLE TO THOSE IN MOST INDUSTRIALIZED NATIONS, BUT FEDERAL AND PROVINCIAL GOVERNMENTS LACK SUFFICIENT RESOURCES TO FULLY ENFORCE THEM. IN SPITE OF UNION VIGILANCE THE MOST EGREGIOUS CASES OF INHUMANE WORKING CONDITIONS GENERALLY OCCUR TO ILLEGAL IMMIGRANTS WHO HAVE LITTLE OPPORTUNITY OR KNOWLEDGE TO SEEK LEGAL REDRESS. IN OCTOBER AND NOVEMBER, AUTHORITIES IN BUENOS AIRES UNCOVERED SEVERAL SWEATSHOPS EMPLOYING ILLEGAL IMMIGRANTS WORKING UNDER DEPLORABLE CONDITIONS FOR MINIMAL PAY. THE GOVERNMENT CLOSED ONE SWEATSHOP IMMEDIATELY; THE CLOSURE OF THE OTHERS AWAITED A COURT DECISION.

WORKERS HAVE THE RIGHT TO REMOVE THEMSELVES FROM DANGEROUS OR UNHEALTHFUL WORK SITUATIONS, AFTER HAVING GONE THROUGH A CLAIM PROCEDURE, WITHOUT JEOPARDY TO CONTINUED EMPLOYMENT. NEVERTHELESS, WORKERS WHO LEAVE THE WORKPLACE BEFORE IT HAS BEEN PROVEN UNSAFE RUN THE RISK OF BEING FIRED; IN SUCH CASES, THE WORKER HAS THE RIGHT TO JUDICIAL APPEAL, BUT THIS PROCESS CAN BE VERY LENGTHY.

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